IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.68 OF 2006

Madhuri Rajesh Gangapure .. Petitioner

versus

Rajesh Vinayak Gangapure .. Respondent

...

Mr.Vinay M. Bhate for the petitioner.

Mr.Vikas Kolekar for the respondent.

CORAM : D.G. KARNIK, J

DATED : 16th October 2006

P.C.:

1. Heard learned counsel for the parties. By consent, petition is heard finally at the stage of admission.

2. This application is filed by the petitioner

wife for transfer of the Marriage Petition no.15 of 2005 filed by the respondent husband in the Court of Civil Judge, Sr.Division, Kolhapur to the District Court at Ratnagiri.

3. The respondent is the husband. He has filed a petition, bearing Marriage Petition no.15 of 2005, for restitution of conjugal rights and in the alternative for divorce in the Court of Civil Judge, Sr. Division Kolhapur at Kolhapur. He resides in the District Kolhapur. According to the petitioner, respondent has driven her away and she is required to stay with her parents at Velamb, Taluka Guhagar, District Ratnagiri. The respondent is not even paying her maintenance and petitioner does not have any financial means for travelling from Velamb to Kolhapur. She is therefore unable to defend the marriage petition. She has stated that she is totally dependent on her and father whose yearly income is only Rs.38,000/-. Besides her father is suffering form heart ailment. In the circumstances, father is unable to give her money for travel and to accompany her to Kolhapur on every day of hearing of the Marriage Petition. No affidavit in reply has been filed by the respondent denying the averments made in the present application.

4. The facts disclosed in the application show that it would be extremely inconvenient, if not impossible, for the petitioner to go to Kolhapur on every date of hearing and defend the marriage petition. In the circumstances, it would be appropriate to transfer the Marriage Petition to the District Court at Ratnagiri.

5. For these reasons, petition is allowed. Marriage Petition no.15 of 2005 pending in the Court of Civil Judge, Sr. Division, Kolhapur is withdrawn from his file and is transferred to the District Court, Ratnagiri for disposal in accordance with law. It is clarified that the District Judge, Ratnagiri may transfer allot the marriage petition to any of the competent court subordinate to him.

(D.G. KARNIK, J)